

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRAVELERS CASUALTY AND SURETY
CO. OF AMERICA.,

Plaintiff,

- against -

DUNCAN INTERIORS, INC. ET AL,

Defendants. :
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/26/2023

22-CV-10562 (JGLC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On September 26, 2023, the Court held a telephonic show cause hearing as to why default judgment should not be entered against the three defendants. The individual defendant, Ms. Spychalsky appeared pro se, in addition to counsel for Plaintiff. The Court explained that in light of Ms. Spychalsky's appearance, default judgment would not be entered against her at this time. The two other defendants, however, are corporate entities, who, according to Ms. Spychalsky, are now defunct and will not be appearing by counsel. Accordingly, this Court will recommend entry of default judgment against the two corporate entity defendants.

The parties shall meet and confer and by October 18, 2023, shall file a proposed case management plan and scheduling order, the form for which is available on Judge Lehrburger's page on the SDNY website. To the extent they have not already done so, the parties shall review and adhere to Judge Lehrburger's individual rules of practice also available on the SDNY website.

As she is appearing pro se, Ms. Spychalsky shall direct all court communications to the pro se office of the court. The pro se office's telephone number is (212) 805-

0175. Additionally, the Court has attached a flier for the NYLAG legal clinic in case Ms. Spychalsky wishes to consult with them.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 26, 2023
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Defendants:

Debra A. Spychalsky
329 Ocean Ave.
Amityville, NY 11701

Duncan Interiors, INC.
237 West 35th Street
New York, NY 10001

Duncan Partners, LLC.
237 West 35th Street
New York, NY 10001

The NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York provides free limited legal assistance to individuals who are representing themselves or planning to represent themselves in civil lawsuits in federal court in Manhattan and White Plains. The clinic is staffed by attorneys, law students, and paralegals. Information given to clinic staff is confidential.

Clinic Staff Can:

- Advise on filing cases in federal court, including on the issue of whether a case should be filed in the Southern District of New York or somewhere else;
- Provide legal advice in response to questions that come up at any stage of litigation;
- Assist in getting additional information or research into the legal issue in your case;
- Review and explain court orders and filings by your opponent, and provide an overview of the federal legal process in civil cases generally;
- Assist with motions, discovery, and strategy;
- Assist with getting ready for depositions, pretrial conferences, mediations, and court appearances;
- Provide forms and instructions manuals;
- In appropriate cases, help you retain pro bono counsel;
- In appropriate cases, represent you in a mediation through the Southern District's Alternative Dispute Resolution Program, or a court-ordered settlement conference;
- In appropriate cases, represent you at a deposition; and
- In appropriate cases, provide referrals to other agencies and organizations that provide civil legal services and/or social services.

Clinic Staff Cannot:

- Assist with federal civil cases that belong in a different federal court, such as the Eastern District of New York, which covers New York, which covers Brooklyn, Queens, Staten Island, and Nassau and Suffolk Counties;
- Assist with an appeal of your federal case;
- Assist with state court cases, bankruptcy court cases, or criminal cases;
- Pay any of the costs associated with filing or defending a lawsuit in federal court;
- File documents with the court on your behalf;
- Appear on your behalf other than representation at a mediation through the Southern District's Alternative Dispute Resolution Program, a court-ordered settlement conference, or, in appropriate cases, a deposition;
- Write court documents for you; or
- Conduct an investigation into the facts of your case.

Clinic Staff May Decline Assistance If:

- NYLAG has already given advice to your opponent;
- Your legal problem is beyond the scope of matters handled by the clinic;
- Providing assistance would conflict with the New York Rules of Professional Conduct;
- Your income and/or assets are high enough to allow you to retain private counsel; or
- NYLAG determines, in its professional legal judgement, that (i) you have refused to cooperate with the Clinic's counsel or follow the Clinic's advice; (ii) any assistance would be unreasonably difficult for NYLAG to carry out; or (iii) your case is or will become frivolous, unreasonable, groundless, or without merit.

Use of the NYLAG Legal Clinic for Pro Se Litigants is separate from any appointment of counsel by the court. A request for appointment of counsel requires a separate application and the decision whether to appoint counsel is entirely up to the court. Even if a litigant has consulted with Clinic staff, unless they retain other counsel and that counsel enters a notice of appearance, they remain unrepresented; are responsible for doing whatever is necessary in connection with the case; and must still submit all court papers to the Pro Se Intake Unit, located in Room 105 of the Daniel Patrick Moynihan Courthouse, 40 Foley Square, New York, New York, or by following the court's instructions for filing via email as a pro se litigant.